UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

CSX TRANSPORTATION, INC. Plaintiff	:	Case No. 3:16-cv-02242
v.	:	Judge James G. Carr
	:	
DAVID H. WILLIAMS,	:	
Law Director, City of Defiance, Ohio	:	MOTION FOR EXTENSION
Defendant	:	OF TIME TO ANSWER
	:	

Now comes, Defendant, David H. Williams, Law Director of the City of Defiance, Ohio, who acknowledges receipt of the Complaint filed on September 8, 2016, receipt of the Summons issued on September 14, 2016, receipt of the Amended Complaint filed on September 16, 2016, and receipt of the Agreed Preliminary Injunction Order issued September 16, 2016. Defendant waives all jurisdictional defenses that may be predicated on the time, place, manner or sufficiency of service and submits to the jurisdiction of the Court.

Defendant respectfully represents that this action seeks to enjoin the performance of statutory duties imposed Defendant as an official of the City of Defiance, Ohio. Plaintiff has acknowledged that an express purpose of the litigation is to challenge the constitutionality of Ohio Revised Code §5589.21. Plaintiff has properly notified the Attorney General of Ohio of the commencement of these proceedings in accordance with Fed.R.Civ.P. 5.1(B).

Defendant respectfully submits that the State of Ohio is the real party in interest herein, that Defendant is neither an official nor employee of the State of Ohio and is not empowered to represent the State in civil proceedings before this Court. Defendant further respectfully submits that the interests of the State are most appropriately represented by the Attorney General of Ohio and not by this Defendant. Pursuant to Fed.R.Civ.P. 5.1, the Attorney General is accorded a period of 60 days within which to intervene in this action.

Wherefore, pursuant to Fed.R.Civ.P. 6, Defendant requests that he be excused from the obligation to respond to the Complaint by Answer, Motion or other responsive pleading until the Attorney General of Ohio elects to intervene or the time within which such intervention is permitted has expired.

S/David H. Williams
David H. Williams (Ohio Reg. 0001593)
Law Director, City of Defiance, Ohio
631 Perry Street
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Telephone 419-784-2101
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Plaintiff Consents to the allowance of this Motion.

S/ James R. Carnes
James R. Carnes, Esq.
(Telephone authorization 10/7/2016)
Shumaker, Loop & Kendrick, LLP
Attorneys for Plaintiff,
CSX Transportation, Inc.

CERTIFICATE OF SERVICE

This is to certify that on October 7, 2016, a copy of the foregoing Motion for Extension of Time to Answer was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

This is to further certify that on October 7, 2016, a copy of the foregoing Motion for Extension of Time to Answer was served on Ohio Attorney General Mike DeWine, by Certified United States Mail addressed to: 30 E. Broad St., 14th Floor, Columbus, OH 43215.

s/David H. Williams
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